

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MINUTES  
OCTOBER 11, 2002**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on October 11, 2002. The meeting was tape recorded and the tape is on file at the ABC Commission/Legal Division.

**ROLL CALL**

Acting Chair Ann Scott Fulton was present for the meeting, along with Commission Member Ricky Wright. Commissioner Mike Joyner was unable to attend.

**MINUTES OF OCTOBER 11, 2002 MEETING**

The Chairman asked Commission Member Ricky Wright if he had any corrections or additions regarding the Commission Agenda for the September 13, 2002, meeting. Commissioner Wright had no corrections or additions. The Chairman made a motion to approve and waive the reading of the minutes into the record. Seconded by Commissioner Wright. So Ordered.

**EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST**

As required by Executive Order Number One, the Chairman asked Commissioner Wright if there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the Agenda. The Chairman stated she found no conflicts of interest with regard to herself. Commissioner Wright stated he had reviewed the agenda and found no conflicts of interest. So Ordered.

**HEARING CASES - 97 listed.**

Assistant Counsel LoRita K. Pinnix had a CLE Class, so she presented her cases first. Ms. Pinnix stated that Mr. Yusra Nassar, the owner of Jolly Roger's Revenge, which was on the September Commission meeting, was present. Mr. Nassar had paid his fine but he still had active time and wanted to see if he could get his suspension dates moved to the November dates. She also presented the Commission with a list of her cases that were first time offenders and had held their permits for a number of years. Commissioner Wright made a motion to move the suspension dates to the November dates for the owner of Jolly Roger's Revenge. Seconded by the Chairman. So Ordered.

Chief Deputy Counsel Fred A. Gregory stated that there were no contested cases. Mr. Gregory stated that Mr. Jeremy Garnett, the owner of Fox and Hound, agenda case #79, was present and wanted to speak. Mr. Garnett stated that a friend of his was having a contest and needed two cases of Famous Grouse. He was unable to locate any and asked Mr. Garnett if he could find some for him. Mr. Garnett stated that he called around and was able to find an ABC Store in Cary, North Carolina, had it in stock. He then explained why he needed the two cases of Famous Grouse to the store clerk to make sure that it was ok to purchase the alcohol for that purpose. Mr. Garnett then purchased the alcohol, went back to his business to meet his son, who was then suppose to load the alcohol into a U-Haul truck and take the alcohol to his friend. Mr. Garnett stated that his son was not there when he got back to his business and he could not park in front of his business, nor could he leave the alcohol in his car in the heat. So he took the two cases of alcohol into his business. He stated that he didn't know that he was breaking any laws. He was then approached by two ABC Officers who told him that he had committed three violations. The two cases were not properly stamped. Assistant Administrator Doyle Alley spoke and stated that he was contacted by ABC Officer Ricky Barbour regarding this incident. Mr. Garnett asked the Commission if he could receive a Written Warning and "slap on the wrist". Commissioner Wright made a motion to amend the offer and change it to a Written Warning and to also return the alcohol to Mr. Garnett. Mr. Garnett was not allowed to take the alcohol back to his restaurant. Seconded by the Chairman. So Ordered.

The Chairman had comments about Assistant Counsel LoRita Pinnix's first time offence cases:

#20- Biltmore Estate Wine Company - Penalty was mitigated 50% from \$800.00 to \$400.00 or ten days suspension.

#41- Ramon's Texaco and Grocery - Penalty was mitigated 50% from \$600.00 to \$300.00 or ten days suspension.

#42- Red Apple Market 51 - Penalty was mitigated 50% from \$300.00 to \$150.00 or three days suspension.

There were two carry over cases to the November Commission meeting:

#81- El Farallon

#82- Crown NC 750

#### **REMAINING OFFERS IN COMPROMISE**

The Chairman made a motion to accept all other offers in compromise except #20, #41, #42, #79, #81 and #82, which had either been ratified earlier or continued. Seconded by Commissioner Wright. So Ordered.

II. ABC Store Location- Forsyth Municipal ABC Board, Forsyth County. Administrator Michael Herring presented information regarding a proposed ABC store relocation to 550 Martin Luther King Jr. Drive, Winston-Salem. ALE Assistant Supervisor Michael Yates, District VII, conducted an investigation and found that the Forsyth Municipal ABC Board would like to relocate its store at 2611 New Walkertown Road to 550 Martin Luther King Drive. The desire to relocate the current store is because the current location is being sold to a local arts group. East Winston Associates Limited Partnership, a North Carolina Limited Partnership, owns the proposed new location. The nearest church is approximately 495 feet east from the proposed location. The nearest school is four-tenths of a mile from the proposed location. The sign regarding notice of intent to open an ABC store has been posted for 30 days in accordance with ABC Commission regulations. There is no conflict of interest. Two letters in opposition and 100 signatures from church members were received at the ABC Commission. Opposition to the proposed ABC store was based on the potential for additional traffic, destroying the positive wholesome image of the neighborhood, and the introduction of undesirable persons to the neighborhood. There are currently two businesses, a Food Lion grocery store and a convenience store, both of which hold ABC permits in the shopping center. Mr. Herring made a recommendation to approve the location. The Chairman made a motion to approve the ABC store location. Seconded by Commissioner Wright.  
So Ordered.

## **OTHER BUSINESS**

The Chairman introduced and welcomed Assistant Counsel Clayton D. Somers to the Legal Division. She also welcomed Processing Assistant III, Jason E. Hall, who is now permanent with the Legal Division.

No other business, new or old, was heard. The Chairman made a motion to adjourn the meeting. Seconded by Commissioner Wright. So ordered.

With no further business, the meeting adjourned.

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Ann Scott Fulton, Acting Chair  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

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Tiffany C. Goodson, Legal Division